IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13260 of 2006

Dated: 10th July, 2006

Between:

Siddi Vinayaka Waste Oils, rep. by its
Propreitor Maddukuri Jaganmohan Rao
Kondarajupeta, Donkada mandal, Vizianagaram.

.. Petitioner

and

The Joint Collector, Visakhapatnam district
and another.

.. Respondents

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ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the seizure of waste oil of the petitioner from the Tanker Lorry bearing No.AP 31 T 5355 on 14.4.2006 as arbitrary, illegal, without jurisdiction and against principles of natural justice and consequently direct the first respondent to release the oil seized from the Tanker lorry.

According to the petitioner, the oil sample seized failed to meet the high-speed diesel specifications, therefore, the question of seizing and taking any further action against the petitioner does not arise.

Be that as it may, in the test report of the Hindustan Petroleum Corporation Ltd., Visakha Terminal Laboratory, it is stated that the 'sample fails to meet High Speed Diesel specifications in the above tests. It appears as a mixture of used engine oils and coal tar'. Therefore, the test report discloses that it is not a high-speed diesel oil for the purpose of invoking the provisions of A.P. Petroleum Control Order, 1980.

In view of the same, during the pendency of further enquiry into the matter, the first respondent shall release the oil seized from the Tanker lorry on condition of petitioner furnishing third party immovable property security to the satisfaction of the first respondent.

With the above direction, the writ petition is accordingly disposed of. However, this will not preclude the authorities from taking action against the petitioner under appropriate provisions of law. No order as to costs.

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C.V.RAMULU,
J

Date: 10.7.2006

Note:
Issue C.C. in (2) days.
B/o
DA

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